

REMARKS

The Applicants do not believe that examination of foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated February 7, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the February 7, 2005 Office Action.

Fig. 3 of the drawings is objected to because the amended drawings for Fig. 3 was submitted with the textural element, near boxes (303) and (305), crossed out by hand. A corrected drawing sheet for Fig. 3 is submitted with this response that corrects the hand crossed out textural elements mentioned by the Examiner in the Office Action.

The Office Action rejects Claims 9-11 and 19 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,784,900 issued to Dobronsky et al. (hereinafter referred to as Dobronsky et al.).

Regarding Claim 9, the Examiner states that Dobronsky et al. teach a method of transmitting information to an apparatus, the apparatus having presentation means for presenting a graphical user interface and skin means for applying a skin displaying an artistic background to the graphical user interface that influence the look of the graphical user interface. The Examiner further states that Dobronsky et al. teach in column 3, lines 49-59, a plug-in that cooperates with a browser to effect a change in the appearance of the browser, specifically the skin displayed, where the displayed skin is a motif of specific graphical depictions displayed as a background of a toolbar. The Examiner's position is that the information comprises a skin change command to the apparatus for changing a currently applied skin. The Examiner further states that Dobronsky et al. teach in column 5, lines 33-41, the change in skin being affected by the user selecting a skin for download and installing it in the toolbar area of the browser.

The Applicants would like to, respectfully, point out that Claim 9 has been amended to clearly distinguish the subject matter defined by Claim 9 from the teachings of Dobronsky et al. Claim 9, as amended, defines subject matter for remotely generating a command to an apparatus in response to a parameter related to displayed information.

This subject matter is not disclosed or suggested by the cited references. Therefore, Claim 9 is believed to be allowable.

Regarding Claim 10, the Examiner states that Dobronsky et al. teach an apparatus comprising storage means for storing a plurality of skins, and Dobronsky et al. teach in column 4, lines 26-43 the downloading and storing of specific skins. The Examiner further states that Dobronsky et al. teach the skin change command including an identification of a respective one of the plurality of skins, and the skin being adapted to apply said respective skin to the graphical user interface in response to a skin change command. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 9.

Regarding Claim 11, the Examiner states that Dobronsky et al. teach the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface. The Examiner further states that Dobronsky et al. teach at column 5, lines 55-67, that a website provides a skin change command, to install in a client browser, a unique site specific skin. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 9.

Regarding Claim 19, the Examiner states that Dobronsky et al. teach an artistic background defining the skin comprising at least one of background shape, a background color, or arrangement of controls specific to the individual skin. The Examiner further states that Dobronsky et al. teach at column 5, lines 55-66 and Fig. 5 an artistic background displaying a depiction of a cow, as a skin of the toolbar. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 9.

The Office Action rejects Claims 1-8, 12-18, and 20 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Dobronsky et al. in view of U.S. Patent No. 5,778,187 issued to Monteiro et al. (hereinafter referred to as Monteiro et al.).

Regarding Claims 1 and 13, the Examiner states that Dobronsky et al. teach the subject matter defined by Claims 1 and 13 except that Dobronsky et al. does not teach that the skin change is generated in response to an event not originating from a user request to change the currently applied skin. The Examiner's position is that is Monteiro

et al. teach a system in which the appearance of a browser window is changed based on current content and that the user interface is changed in response to a different song being played at column 4, lines 9-19 in column 17, lines 20-31 and column 7, lines 48-59.

The Applicants, respectfully, disagree with these assertions contained in the Office Action. Monteiro et al. at column 4, lines 1-5, discuss the real time the distribution architecture that provides delivery of real time information to any number of users and the multiple simultaneous delivery of real time channels to a large number of users. Monteiro et al., at column 4, lines 9-19, discuss the type of information that is delivered can be video graphics or text. The Applicants, respectfully, point out that the entire teaching of Monteiro et al. relates the delivery of information that can be used within a graphical user interface; however, there is no disclosure or suggestion within Monteiro et al. that relates to changing the skin to a graphical user interface.

Monteiro et al. at column 7, lines 48-59 simply states that side bar information is synchronized with the audio channel and describes audio visual information that can be displayed in the side bar. In any event, Monteiro et al. at column 7, lines 48-59 describe information and not skin changes to the graphical user interface.

Monteiro et al. clearly teach that the information displayed within the user interface changes and not that the appearance of the user interface is changed. Column 17, lines 20-31 of Monteiro et al. states that the "information contained in the channel guide, program guide, and the tabs of the multimedia frame is dynamically transmitted to the client." There is no disclosure or suggestion within Monteiro et al. that the appearance of the user interface (skin of the graphical user interface) is changed.

Monteiro et al. pertains to data and information that is displayed with the skin (the appearance of the graphical user interface). There is no disclosure or suggestion within Monteiro et al. that the skin of the graphical is changed. A person skilled in the art would not find Monteiro et al. suggestive towards altering the appearance of the graphical user interface.

As stated by the Examiner, Dobronsky et al. do not provide any disclosure or suggestion for changing the currently applied skin in response to an event not originating from a user request to change the skin. A person skilled in the art having viewed Dobronsky et al. would not look a reference such as Monteiro et al. for ideas related to the appearance of the graphical user

interface, because Monteiro et al. do not provide any teaching related to the appearance of the graphical user interface. As previously discussed, Monteiro et al. teach altering data and information that is displayed within the graphical user interface.

The foregoing amendment to the claims has altered Claim 1 to clearly define that information is displayed within the graphical user interface. The skin is defined as an artistic background to the graphical user interface. The Applicants, respectfully, point out that this amendment to Claim 1 is not a narrowing amendment but a clarifying amendment that is being made to clearly indicate the subject matter that was previously defined by the embodiment of Claim 1, which is that information is presented inside the user interface. Claim 13 has been further defined to correct a grammatical error and make it clear that information is presented inside the skin and that a change in the skin takes place without changing the set of information presented within the skin clearly distinguishing the subject matter defines by the embodiment of Claim 13 from the cited references. Accordingly, the Applicants, respectfully, assert that Claims 1 and 13 define allowable subject matter over the cited references.

Regarding Claim 2, the Examiner states that Dobronsky et al. teach an apparatus for receiving information from a remote server and the event comprising the reception of a skin change command from the remote server. The Examiner further states that Dobronsky et al. teach at column 2, lines 51-63, a browser receiving information via communication with the Internet where the information transmitted is a skin change command. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 1.

Regarding Claim 3, the Examiner states that Dobronsky et al. teach an apparatus comprising storage means for storing a plurality of skins. The Examiner further states that Dobronsky et al. teach at column 4, lines 26-43 the downloading and storing of specific skin. The Examiner further states that Dobronsky et al. teach at column 5, lines 33-41, the selection of a skin from a plurality of skins resulting in the installation of the skin to a toolbar area of the browser. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 1.

Regarding Claim 4, the Examiner states that Dobronsky et al. teach the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface. The Applicants, respectfully, assert that this rejection is moot in

view of the foregoing discussed amendment to Claim 1.

Regarding Claims 5 and 14, the Examiner states that Dobronsky et al. teach presentation means capable of presenting further information and that the event comprises a change in a parameter of said further information. The Examiner further states that Dobronsky et al. teach at column 5, lines 55-67, that a change in displayed skin is affected by further information. The Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 6 and 15, the Examiner states that Monteiro et al. teach information comprising audio and/or video content at column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. The Examiner further states that Monteiro et al. teach a parameter representing a category of said content at column 17, lines 20-31 that if the user changes music type or there is a change in the artist the interface window will adapt. This subject matter has been previously discussed above and does not disclose or suggest any alterations in the appearance of the graphical user interface or the skin that is applied to the graphical user interface and is therefore, respectfully, traversed. Moreover, the Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 7 and 16, the Examiner states that Monteiro et al. teach that the apparatus further comprised user profile mean for maintaining a user profile, and an event comprising a change in a user profile. The Examiner further states that Monteiro et al. teach in column 2, lines 17-26 and column 8, lines 12-15, that portions of information can be tailored to the client, when the clients habits change the environment adapts around the client. The Applicants respectfully disagree with these assertions contain in the Office Action. There is no disclosure or suggestion that the environment adapts around the client. This subject matter has been previously discussed above and does not disclose or suggest any alterations in the appearance of the graphical user interface or the skin that is applied to the graphical user interface and is therefore, respectfully, traversed. Moreover, the Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 8 and 17, the Examiner states that Dobronsky teaches the above claims being implemented in a computer program, with a computing device. The Examiner further states that Dobronsky teaches, in column 1, lines 11-21 that the system being implemented on a

computer utilizing computer programs. The Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 6 and 12, the Examiner states that Monteiro et al. teach information comprising audio and/or video content. The Examiner further states that Monteiro et al. teach in column 2, lines 8-11 and column, 17, lines 20-31, the information being audio and/or video content. The Examiner further states that teach a parameter representing a category of said content, and at column 17, lines 20-31, that the user changes music type or there is a change in the artist the interface window will adapt. As previously discussed, Monteiro et al. teach content and information changes. Rejected Claim 6 and 12 define subject matter for altering the appearance of the graphical user interface and not the changing the information that is presented within the graphical user interface. Therefore, this rejection is respectfully traversed. The Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 18, the Examiner states that Dobronsky et al. teach the artistic background defining the skin comprising at least one of background shape, a background color, or arrangement of controls specific to the individual skin. The Examiner further states that Dobronsky et al. teach in column 5, lines 55-67 and Fig. 5, an artistic background. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 13.

Regarding Claims 20, the Examiner states that Monteiro et al teaches a user profile means for controlling selection of skins within the graphical user interface. The Applicants, respectfully, disagree. This is unequivocally false. Monteiro et al. at column 2, lines 17-26 and column 8, lines 12-15 teach that portions of information can be tailored to the client. There is no disclosure or suggestion that the environment changes. Therefore, this rejection is respectfully traversed. The Applicants, respectfully, assert that this rejection is moot in view of the foregoing discussed amendment to Claim 9.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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